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**FAX TRANSMITTAL SHEET**

**NO. OF PAGES** (including this page): 14

**TO:** Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Attn:** Mail Stop PATENT EXTENSION  
**Art Unit:** 1646  
**FAX:** (703) 872-9306

**FROM:** Sheela Mohan-Peterson  
**DATE:** August 10, 2004

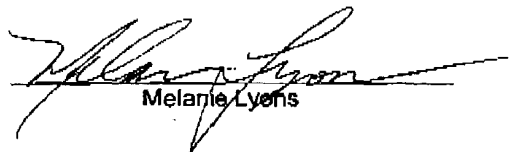
**RE:** Docket No.: DX0644KBK  
USSN: 10/083,720  
Filed: February 28, 2002  
Title: AK155 Antibodies and Binding Fragments Thereof

Any difficulty with this facsimile, please call: Melanie Lyons at (650) 496-1183

**Documents attached:**

- Transmittal (1 page)
- Fee Transmittal, in duplicate (2 pages)
- Application for Patent Term Adjustment (2 pages)
- Application Under 37 CFR 1.705 for Correction of Patent Term Adjustment, with attachments (8 pages)

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax Number (703) 872-9306, on August 10, 2004.

  
Melanie Lyons

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |           |
|--|----------------------|------------------------|-----------|
| <b>TRANSMITTAL<br/>FORM</b><br><br><small>(to be used for all correspondence after initial filing)</small> | Application Number   | 10/083,720             |           |
|  | Filing Date          | 02/28/2002             |           |
|  | First Named Inventor | Rene de Waal MALEFYT   |           |
|  | Art Unit             | 1646                   |           |
|  | Examiner Name        | Prema Maria MERTZ      |           |
| Total Number of Pages In This Submission   | 14                   | Attorney Docket Number | DX0644KBK |

**ENCLOSURES** (Check all that apply)

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form, in duplicate (2 pages)<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks:<br>1. Application for Patent Term Adjustment (2 pages)<br>2. Application Under 37 CFR 1.705 for Correction of Patent Term Adjustment, w/attachments (8 pgs.)<br>3. Fax Transmittal Sheet (1 page)   |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                    |  |
|--------------------|--|
| Firm or Individual | Sheela Mohan-Peterson, Reg. No. 41,201<br>DNAX Research, Inc.<br>901 California Ave.<br>Palo Alto, CA 94304-1104 |
| Signature          | <i>Sheela Mohan-Peterson</i>   |
| Date               | 10-Aug-2004  |

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|  |                      |      |                 |
|--|----------------------|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below: |                      |      |                 |
| Typed or printed   | Melanie Lyons        |      |                 |
| Signature  | <i>Melanie Lyons</i> | Date | August 10, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**(\$)**200.00****Complete if Known**

|                      |                      |
|----------------------|----------------------|
| Application Number   | 10/083,720           |
| Filing Date          | 02/28/2002           |
| First Named Inventor | Rene de Waal Malefyt |
| Examiner Name        | P. Mertz             |
| Art Unit             | 1646                 |
| Attorney Docket No.  | DX0644KBK            |

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 04-1239Deposit Account Name: DNAX Research, Inc.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description        | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 770                      | 2001 385                      | Utility filing fee     | 0        |
| 1002 340                      | 2002 170                      | Design filing fee      |          |
| 1003 530                      | 2003 265                      | Plant filing fee       |          |
| 1004 770                      | 2004 385                      | Reissue filing fee     |          |
| 1005 160                      | 2005 80                       | Provisional filing fee |          |

**SUBTOTAL (1) \$ 0****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from Below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 17                 | -20** = 0    | X              |          |
| Independent Claims | 1            | -3** = 0       | X        |
| Multiple Dependent |              |                |          |

| Large Entity<br>Fee Code (\$) | Small Entity<br>Fee Code (\$) | Fee Description  |
|-------------------------------|-------------------------------|--|
| 1202 18                       | 2202 9                        | Claims in excess of 20                                     |
| 1201 86                       | 2201 43                       | Independent claims in excess of 3                          |
| 1203 290                      | 2203 145                      | Multiple dependent claim, if not paid                      |
| 1204 86                       | 2204 43                       | ** Reissue independent claims over original patent         |
| 1205 18                       | 2205 9                        | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) \$ 0**

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

| Large Entity<br>Fee Code (\$)                                     | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid   |
|---|-------------------------------|--|------------|
| 1051 130  | 2051 65                       | Surcharge - late filing fee or oath  |            |
| 1052 50   | 2052 25                       | Surcharge - late provisional filing fee or cover sheet                     |            |
| 1053 130  | 2053 130                      | Non-English specification  |            |
| 1812 2,520  | 1812 2,520                    | For filing a request for ex parte reexamination                            |            |
| 1804 920*   | 1804 920*                     | Requesting publication of SIR prior to Examiner action                     |            |
| 1805 1,840*   | 1805 1,840*                   | Requesting publication of SIR after Examiner action                        |            |
| 1251 110  | 2251 55                       | Extension for reply within first month                                     |            |
| 1252 420  | 2252 210                      | Extension for reply within second month                                    |            |
| 1253 950  | 2253 475                      | Extension for reply within third month                                     |            |
| 1254 1,480  | 2254 740                      | Extension for reply within fourth month                                    |            |
| 1255 2,010  | 2255 1,005                    | Extension for reply within fifth month                                     |            |
| 1401 330  | 2401 165                      | Notice of Appeal   |            |
| 1402 330  | 2402 165                      | Filing a brief in support of an appeal                                     |            |
| 1403 290  | 2403 145                      | Request for oral hearing   |            |
| 1451 1,510  | 1451 1,510                    | Petition to institute a public use proceeding                              |            |
| 1452 110  | 2452 55                       | Petition to revive - unavoidable   |            |
| 1453 1,330  | 2453 665                      | Petition to revive - unintentional   |            |
| 1501 1,330  | 2501 665                      | Utility issue fee (or reissue)   |            |
| 1502 480  | 2502 240                      | Design issue fee   |            |
| 1503 640  | 2503 320                      | Plant issue fee  |            |
| 1460 130  | 2460 130                      | Petitions to the Commissioner  |            |
| 1807 50   | 1807 50                       | Processing fee under 37 CFR 1.17(g)  |            |
| 1806 180  | 1806 180                      | Submission of Information Disclosure Stmt                                  |            |
| 8021 40   | 8021 40                       | Recording each patent assignment per property (times number of properties) |            |
| 1809 770  | 2809 385                      | Filing a submission after final rejection (37 CFR 1.129(a))                |            |
| 1810 770  | 2810 385                      | For each additional invention to be examined (37 CFR 1.129(b))             |            |
| 1801 770  | 2801 385                      | Request for Continued Examination (RCE)                                    |            |
| 1802 900  | 1802 900                      | Request for expedited examination of a design application                  |            |
| Other fee (specify) <u>Application for Patent Term Adjustment</u> |                               |  | <u>200</u> |

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) \$ 200****SUBMITTED BY**

(Complete if applicable)

|                   |                              |                  |             |           |                |
|-------------------|------------------------------|------------------|-------------|-----------|----------------|
| Name (Print/Type) | Sheela Mohan-Peterson        | Registration No. | 41,201      | Telephone | 1-650-496-8400 |
| Signature         | <i>Sheela Mohan-Peterson</i> | Date             | 10-Aug-2004 |           |                |

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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**200.00****Complete if Known**

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| Application Number   | 10/083,720           |
| Filing Date          | 02/28/2002           |
| First Named Inventor | Rene de Waal Malefyt |
| Examiner Name        | P. Mertz             |
| Art Unit             | 1646                 |
| Attorney Docket No.  | DX0644KBK            |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number: 04-1239

Deposit Account Name: DNAX Research, Inc.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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| 1                  | -3** = 0     | X              | =        |
| Multiple Dependent |              |                | =        |

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**SUBTOTAL (2) \$ 0**

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity<br>Fee Code (\$)                              | Small Entity<br>Fee Code (\$) | Fee Description  | Fee Paid |
|--|-------------------------------|--|----------|
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| 1460 130   | 1460 130                      | Petitions to the Commissioner  |          |
| 1807 50  | 1807 50                       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180   | 1806 180                      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40  | 8021 40                       | Recording each patent assignment per property (times number of properties) |          |
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| 1802 900   | 1802 900                      | Request for expedited examination of a design application                  |          |
| Other fee (specify) Application for Patent Term Adjustment |                               |  | 200      |

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) \$ 200****SUBMITTED BY**

(Complete if applicable)

|                   |                              |                  |             |           |                |
|-------------------|------------------------------|------------------|-------------|-----------|----------------|
| Name (Print/Type) | Sheela Mohan-Peterson        | Registration No. | 41,201      | Telephone | 1-650-496-6400 |
| Signature         | <i>Sheela Mohan-Peterson</i> | Date             | 10-Aug-2004 |           |                |

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Docket No.: DX0644KKBK

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rene de Waal MALEFYT, et al.

Application No.: 10/083,720

Filed: February 28, 2002

For: AK155 ANTIBODIES AND BINDING  
FRAGMENTS THEREOF

Examiner: Prema Maria MERTZ

Art Unit: 1646

Conf. No.: 1971

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facsimile to the U.S. Patent and Trademark Office, Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,  
Fax Number 1-703-872-9306, Attention: Mail Stop: Patent  
Extension, on August 10, 2004

MAIL STOP: Patent Extension  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

by:

  
MELANIE LYONS

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR  
RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF  
ALLOWANCE (37 C.F.R. § 1.705)(b)**

Sir:

1. This is a request for reconsideration of the patent term adjustment of 283 days indicated in the Determination of Patent Term Adjustment Under 35 U.S.C. §154(b) that was attached to the Notice of Allowance mailed on May 11, 2004 in the present case. It is respectfully submitted that Applicants be afforded a patent term adjustment of **322 days**.
2. The issue fee has not yet been paid.
3. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Grounds Under 37 C.F.R. § 1.702 For the Adjustment (37 C.F.R. § 1.705 (b) (2)(i) and (ii))".
4. Any patent granted on this application (37 C.F.R. § 1.705 (b) (2)(iii)) is not subject to a terminal disclaimer.
5. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of the

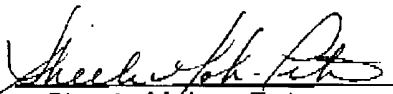
Docket No.: DX0644KBK

above-identified patent application as set forth in (37 C.F.R. § 1.704 (37 C.F.R. § 1.705 (b) (2)(iv)): there were none (37 C.F.R. § 1.705 (b) (2)(iv) (B).

6. The fee of \$200.00 set forth in (37 C.F.R. § 1.18(e), required by (37 C.F.R. § 1.705 (b) (1)), and any additional fees, may be charged to DNAX Deposit Account No. 04-1239. Any refund in fees may be credited to the same Deposit Account.

Respectfully submitted,

Date: August 10, 2004

By:   
Sheela Mohan-Peterson  
Registration No.: 41,201  
Attorney for Applicants

**Customer No. 028008**  
DNAX Research, Inc.  
901 California Avenue  
Palo Alto, CA 94304-1104  
Tel. (650) 496-6400  
Tel. (Direct): (650) 496-1244  
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